IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

CRP.No. 151 of 2007()

AGAINST THE ORDER I.A.1804/03 IN
A.S. (INDIGENT) NO.106/2003 of DISTRICT COURT, THODUPUZHA
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REVN. PETITIONERS/PETITIONERS:
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1. GIJI, W/O LATE TOMY,
RESIDING AT THOTTUVAYIL HOUSE,
KATTAPPANA IDUKKI KAVALA KARA,
KATTAPPANA VILLAGE,
UDUMBANCHOLA TALUK.

2. CHRISTINA MARIA TOM (MINOR)
AGED 4 YEARS, D/O LATE TOMY,
RESIDING AT THOTTUVAYIL HOUSE.
KATTAPPANA, IDUKKI KAVALA KARA,
KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK,
REPRESENTED BY THE NATURAL GUARDIAN,
(MOTHER) 1ST APPELLANT.

BY ADV. SRI.C.K.PAVITHRAN
SRI.M.X.XAVIER
SRI.K.BAIJU
SMT.N.S.SUMI

RESPONDENT/RESPONDENT:

CLARAMMA, W/O LATE KURIAN,
AGED 52 YEARS, RESIDING AT KARUTHEDATHU,
PUTHENPURAYIL HOUSE,
NARAKAKKANAM KARA,
THANKAMONY VILLAGE,
UDUMBANCHOLA.

BY ADV. SRI.ANIL THOMAS(T)
SRI.K.J.JOSEPH KAKKANATT
SMT.K.V.RESHMI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 151 OF 2007

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Dated this the 20th day of September, 2007.

O R D E R

This revision petition is preferred against the order of the District Judge, Thodupuzha in I.A.1804/03 in A.S. (indigent)106/03. The petitioner contends that she is not in a position to pay the Court fee of 16,080/- and the 2nd petitioner is a minor.

2. On the other hand, the respondent would contend that the revision petitioners are in joint possession of 3.97 acres of agricultural land and it will fetch an income of Rs.2 lakhs. It is seen from the materials available in this case that PW1 had already instituted a suit against his brother-in-law and mother-in-law for an injunction and the injunction is in existence even now. It has come up in evidence that she owns 3.97 acres of land where there are 300 yielding coconut trees. Her contention that the mother-in-law had been taking income from the property can be straight away rejected for the reason that even according to her, she is now residing abroad. Further, the Tahsildar who had issued the certificate

had pointed out that the revision petitioner is in possession and there is no contra evidence against the same. So the learned District Judge has appreciated the matter correctly and had arrived at a correct decision. I had also the opportunity to consider the very same question in CRP 152/07 thereby I had confirmed the order of the Court below. Therefore, the C.R.P. lacks merit and it is dismissed. But I extend the time for payment of Court fee by six weeks from today.

M.N. KRISHNAN, JUDGE.

ul/-